IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc Epstein et al.

Application No.: 09/750,500

Filed: December 28, 2000

For: Architecture For Serving And Managing Independent Access Devices

Confirmation No.: 6952

Group Art Unit: 2157

Examiner: El Chanti, Hussein A.

Attorney Docket No.: 300-2

VIA FACSIMILE AND EFS
Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request to File Supplemental Argument– Appeal No. 2010-003313

SIR:

The above application is now on appeal, and oral argument on the appeal was held on September 14, 2011. At that argument, the Board advised the undersigned that the Examiner's anticipation rejection based upon Erpeldinger would be reversed. However, the Panel cited a new reference, Brown, US Patent No. 7,103,784, and left open the possibility of remanding to the Examiner with respect to whether Brown could be combined with Erperldinger to support an obviousness rejection.

Although the Board read portions of Brown and granted the undersigned permission to discuss Brown, the undersigned had never before been aware of Brown and had never seen or reviewed it, and thus, was not in a position to discuss it properly. The undersigned has now reviewed Brown and respectfully requests that the Board consider the following discussion in rendering its Opinion, and in lieu of the comments invited at oral argument. This is particularly important given that the present application has been pending nearly twelve years and remanding to the Examiner based upon what is believed to be an improper obviousness combination would simply further the delay.

Simply put, Brown discusses what can arguably be characterized as a trust. (Col. 3, lines 45-50). However, Brown specifically states that the trust is set up so that the user account to be provided with services (what the present application calls the client) are trusted by the resource provider (what the present application calls the servers providing services.) See Brown, col. 3, lines 45-50.

Brown does not suggest that when numerous services are being provided to user accounts, that the services should be separated and run on different servers, and that some should be implemented across a trust where the user account trusts the server, and others should be implemented on a different server across a trust where the different server trusts the user account. If Brown discloses a one way trust, then combining Brown with Erpeldinger would just result in lots of services being provided over a one way trust. There may be lots of one way trusts running from a server in various directions, or there may be lots of trusts running from different servers to different clients.

The combination of Brown and Erpeldinger would not teach that trusts between a server and a client in one direction should not be on the same server with trusts running in the other direction, and nothing would teach that a client should be provided with services from some servers using trusts in one direction, and from other servers using trusts in the other direction. The combination of the two references thus can not support a rejection under 35 USC 103.

It is believed the rejection should simply be reversed, without remand on the obviousness issue. It is respectfully submitted that the Board consider these comments in lieu of the invited comments at oral argument, particularly given the extremely long nature of the pendency of the above case.

Respectfully submitted,

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